

REMARKS/ARGUMENTS

Firstly, it is noted that in the office action, the Examiner indicates that claims 1-7 correspond to the species of Group I. However, claims 1-4 were previously canceled and claim 2 amended to be independent in a Preliminary Amendment filed June 21, 2006.

The Examiner asserts that the species listed do not relate to a single general inventive concept under PCT rule 13.1 because the species lack the same or corresponding special technical features. In particular, the Examiner states that the species of Group I contain outer water storage compartments containing soil pressure absorption plates while the species of Group II contain outer water storage compartments containing second water-bearing materials. However, it is clear from a review of independent claim 5 as well as Figure 1 that soil pressure absorption plates 26 are within a chamber constituted by the space between the first water-impermeable sheet 14 and the second water-impermeable sheet 27.

The internal water storage sub-tank 11 is a space created by, *inter alia*, the 1st water-impermeable sheet 27. However, as defined in claim 1, a space has already been provided between the first and second water-impermeable sheets. In the alleged first species, this space is occupied by soil pressure absorption plates 26. In the alleged second species, this space, which is already present merely constitutes a second compartment which may also contain water. Thus, it is clear that claim 5 is generic in that it provides for the space between the two water-impermeable sheets and the identification of that space as constituting a water containing space is merely a more limited recitation of the device defined by claim 5. This means that there are not,

in fact, two separate species, but rather, a single claim (claim 5) generic to the remaining claims, including claim 8 and following, which define another, but sub generic species of the device of claim 5.

It is further noted that the PCT Examiner has already approved the Unity of Invention under PCT rule 13.2 as well as PCT rule 13.1 and that all of the designated states have already approved the Unity of Invention recited in claims 5-12. In fact, all of the designated states except for the United States and India have already granted a patent to the applicant based on these claims. Please see the copies of the "International Preliminary Report on Patentability" and "Available Information on National Phase Entries" as obtained from the WIPO website forwarded herewith.

Furthermore, applicant submits that not only does Unity of Invention exist between all of the presently pending claims, but that because of the relationship of the device is recited in claims 5-7 and 8-12, no undo searching burden is created.

Accordingly, the species asserted by the Examiner are linked so as to form a single general inventive concept under the provisions of PCT Rule 13.1 and the election of species requirement is improper and should be withdrawn.

Respectfully Submitted,

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